

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 34 is requested to be canceled without prejudice or disclaimer.

Claims 2, 10 and 32 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 2-7, 10-33, 35-40 and 42 are now pending in this application.

Summary of Claim Rejections

Claims 2 and 4 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Alattar et al. (US Patent No. 7,020,304, hereinafter “Alattar”).

Claims 5-7, 10-14, 17-38, 40 and 42 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Alattar in view of Brunk et al. (US Patent No. 7,289,304, hereinafter “Brunk”).

Claim 3 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Alattar in view of Baker et al. (US Patent No. 6,912,010, hereinafter “Baker”).

Claims 15 and 16 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Alattar in view of Brunk and further in view of Baker.

Discussion of Claim Rejections under 35 U.S.C. § 102(e):

The Examiner has rejected claims 2 and 4 under 35 U.S.C. § 102(e) as allegedly being anticipated by Alattar. Applicant respectfully disagrees with the Examiner’s interpretation of

the disclosure of Alattar as it relates to the claims of the present application. In particular, Alattar (including all sections of Alattar relied upon by the Examiner, except Col. 20, line 20-56) discloses using fingerprints or watermarks separately to identify a content. The use of watermarks or fingerprints alone to identify a content is not a novel concept, and has been pointed out as such in Applicant's specification, paragraphs [0005] to [0007], under the heading "DESCRIPTION OF RELATED ART." To overcome the shortcomings of such systems of prior art, the various embodiments of the present application are directed to methods which utilize both watermarking and fingerprinting techniques to effect reliable and secure tracking of program content. The only sections of Alattar that describe using both watermarks and fingerprints for identifying a content are located in Col. 20, lines 20-56. These sections of Alattar merely discuss using watermarks as a calibration signal. More particularly, Alattar teaches embedding a content with a watermark that is used as a calibration signal to align the content, and thus facilitate the subsequent derivation of a fingerprint from that content.

In contrast, embodiments of the invention, as recited in pending claim 2, for example, do not utilize the embedded watermarks as a calibration signal, but rather both the detected watermark and derived fingerprint values are used for comparison with a stored watermark value and the associated fingerprint value. To clarify the above-noted features, Applicant has amended claim 2 to recite in part: "... comparing any detected watermark value with said stored watermark value and the derived fingerprint value from said given broadcast program with said stored fingerprint value associated with said stored watermark value." Support for the amended portions of claim 2 may be found in the originally filed specification and drawings at, for example, paragraphs [0038] to [0042] and Fig. 4. Alattar does not teach or suggest at least the above-noted features of claim 2. Accordingly, claim 2 is patentable.

As to claim 4, this claim depends directly from allowable claim 2, and is therefore patentable for at least that reason, as well as for other patentable features when this claim is considered as a whole.

Discussion of Claim Rejections under 35 U.S.C. § 103(a):

The Examiner has rejected claims 5-7, 10-14, 17-38, 40 and 42 as allegedly being unpatentable over Alattar in view of Brunk, claim 3 as allegedly being unpatentable over Alattar in view of Baker, and claims 15 and 16 as allegedly being unpatentable over Alattar in view of Brunk and further in view of Baker, all under 35 U.S.C. § 103(a). Applicant respectfully submits that Brunk has been previously analyzed and discussed in Applicant's response to Office Action, dated October 17, 2007 (Brunk specification is identical to the US Patent Application with Publication No. 2002/0126872 A1, which was cited by the Examiner in the previous Office Action). As such, Applicant's arguments in response to the previous Office Action, dated October 17, 2007, are still applicable to the rejections under the present Office Action.

Further, Applicant respectfully disagrees with the Examiner's interpretations of the disclosures of Alattar, Brunk and/or Baker as they relate to the claims of the present application. Brunk, while describing the use of watermarks and content signatures for identifying contents, fails to teach or suggest the features of claims 5-7, 10-14, 17-38, 40 and 42 of the present application. Specifically, Brunk (See, for example, Col. 2, lines 40-59; Col. 6, line 39 to Col. 7, line 30) discloses using a combination of watermarks and content signatures in the following ways: Watermarks are used as carriers of additional information to content signatures, for example, to carry information to identify the distributor and receiver of information that cannot be conveyed using content signatures (See, for example, Brunk, Col. 6, lines 42-45); Watermarks may be used as calibration signals to correct for scaling of content prior to calculation of content signatures (See, for example, Brunk, Col. 6, lines 53-64); Watermark payloads contain the content signature, and once watermark payloads and content signatures are extracted, they are compared to one another in order to authenticate the content (See, for example, Brunk, Col. 6, lines 45-52); Watermark carries information to identify the owner of a content as a first level of identification, once the owner is identified, the derived content signature is sent to a secondary database to determine the particular version of the identified content (See, for example, Brunk, Col. 7, lines 4-29). However, there are no teachings or suggestions in Brunk to indicate the use of both detected watermark value and derived fingerprint value for comparison with the stored watermark value and the

associated fingerprint value, as is recited in claim 2 of the present application. Accordingly, Brunk does not cure the deficiencies of Alattar as it relates to claim 2.

Nor does Brunk teach or suggest registering the combination of the watermark and fingerprint values to redundantly identify the content, as is recited in claim 10 of the present application. Applicant has amended claim 10 to clarify the above noted feature. Amended claim 10 now recites in-part: “... registering information comprising said watermark value and said fingerprint, wherein combination of said registered watermark value and fingerprint are subsequently used to redundantly identify said content.” Support for the amended portions of claim 2 may be found, for example, in paragraphs [0033] to [0042], and Figs. 3 and 4 of the present specification. The sections of Brunk relied upon by the Examiner is rejecting claim 10 (Brunk, Col. 2, lines 40-65; Col. 6, line 65 to Col. 7, line 3) discuss particular uses of watermarks and content signatures enumerated earlier by Applicant (i.e., use of watermark as a scaling signal, using watermark payload to carry content signature, using watermark to carry additional information that cannot be carried in the content signature, and using watermarks to identify the owner and content signature to identify the version of content), which neither teach nor suggest registering information comprising said watermark value and said fingerprint, wherein combination of said registered watermark value and fingerprint are subsequently used to redundantly identify said content, as is recited in Applicant’s amended claim 10. Since Brunk further fails to cure the deficiencies of Alattar, claim 10 is patentable.

As to claim 32, Brunk similarly fails to teach or suggest the use of both the fingerprint and analysis of the content for discerning the presence of watermarks to identify the content. Applicant has further amended claim 32 to clarify the above noted features. Amended claim 32 now recites in-part: “...identifying said received content in accordance with a plurality of registered fingerprint and watermark values and by redundant utilization of both of said generated fingerprint and said analyzing.” Support for the amended portions of claim 2 may be found, for example, in paragraphs [0033] to [0042], and Figs. 3 and 4 of the present specification. As such, amended claim 32 recites redundant utilization of both the generated fingerprint and the analyzing, which is not taught or suggested by Brunk. Since Brunk further fails to cure the deficiencies of Alattar, claim 32 is patentable.

As to claims 5-7, 11-14, 17-31, 33, 35-38, 40 and 42, these claims each depend either directly or indirectly from allowable claims 1, 10 or 32, and are therefore patentable for at least that reason, as well as for other patentable features when these claims are considered as a whole. These features were individually discussed in Applicant's prior response to the Office Action, dated October 17, 2007, and will not be repeated here. Applicant respectfully requests reconsideration of Applicant's arguments regarding claims 5-7, 11-14, 17-31, 33, 35-38, 40 and 42 in the previous Office Action, as those arguments validly address the deficiencies of both Alattar and Brunk (i.e., USPGPUB 2002/0126872 A1) as they relate to dependent claims 5-7, 11-14, 17-31, 33, 35-38, 40 and 42.

Applicant further submits that Baker fails to cure the above-noted deficiencies of Alattar and Brunk. Since claims 3, 15 and 16 depend directly from allowable claims 1 or 10, these claims are patentable for at least that reason, as well as for other patentable features when these claims are considered as a whole.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are

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needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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